

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

Arthur K. McDuffie,

**Plaintiff**

V.

Carolyn W. Colvin,

## Defendant

Case No.: 2:14-cv-706-JAD-PAL

Order re: Doc. 18

9 On October 16, 2014, I plaintiff Arthur K. McDuffie and defendant Carolyn W. Colvin  
10 stipulated to remand of this social security appeal for further administrative action. Doc. 16 at 1.  
11 The clerk of court entered judgment in McDuffie's favor one day later. Doc. 17. The parties  
12 stipulated that "[o]n remand, the Appeals Council will instruct the Administrative Law Judge to:  
13 further evaluate all of the medical opinions of record . . . and give reasons for the weight assigned in  
14 accordance with 20 C.F.R. section 416.927 and Social Security Rulings 96-2p, 96-5p, and 96-8p;  
15 reassess Plaintiff's residual functional capacity; and, if warranted, obtain supplemental evidence  
16 from a vocational expert at step five." *Id.* at 1-2. On November 10, 2014, plaintiff moved under the  
17 Equal Justice Act, 28 U.S.C. § 2412, for attorney fees of \$4,270.05 and the \$400 District Court filing  
18 fee, payable from the Judgment Fund. Doc. 18-1 at 1. Colvin has not opposed the motion. Under  
19 Local Rule 7-2(d), the failure to respond to the motion constitutes consent to granting the motion  
20 and, upon review of plaintiff's motion, I find it has merit and should be granted.

21 Accordingly, it is HEREBY ORDERED that McDuffie's Motion for Attorney's Fees [Doc.  
22 **18**] is GRANTED. McDuffie is awarded attorney fees of \$4,270.05 and the District Court filing fee  
23 of \$400, payable from the Judgment Fund, within 20 days of this order.

DATED February 11, 2015.

Jennifer A. Dorsey  
United States District Judge